

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA

v.

Criminal No. 3:96cr66-20

LLEWELLEN F. SMITH

**MEMORANDUM OPINION**

Having considered the DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO THE FIRST STEP ACT OF 2018 (ECF No. 1947), the RESPONSE OF THE UNITED STATES TO DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO THE FIRST STEP ACT OF 2018 (ECF No. 1948), the DEFENDANT'S REPLY TO GOVERNMENT RESPONSE TO HIS MOTION TO REDUCE SENTENCE (ECF No. 1955), the FIRST STEP ACT AMENDMENT APPLICATION WORKSHEET (ECF No. 1941), as well as the presentence report and the exhibits attached to the defendant's motion, it is hereby ORDERED that the DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO THE FIRST STEP ACT OF 2018 (ECF No. 1947) is granted for the following reasons.

The United States agrees that the defendant is eligible for relief. By virtue of the First Step Act, the applicable guidelines have been reduced from 262-327 months to 210-260 months. According to ECF No. 1941, the defendant has been in federal custody for 23 years, 3 months and 11 days as of December 20, 2019. In other

words, he has served what would be the maximum guideline range already.

Further, the defendant has comported himself well in prison. It is true that he has had some violations, but generally he has done well during incarceration. In addition, he has tried to better himself and, in significant ways, has done so. He obtained an associate degree in business management with honors in 2014 and he has participated extensively in a number of programs and classes. In addition, it appears that the defendant, who is not a citizen of this country, will be deported when he is released. On balance, further confinement is not necessary to achieve the objectives of the sentencing statute and the DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO THE FIRST STEP ACT OF 2018 (ECF No. 1947) is granted.

A separate Order will enter.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: October 8, 2020